

08-06-01

PATENT
Attorney Docket No: 101.0084-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No: N/A
(Divisional of Serial No. 09/457,228)

Filed: August 3, 2001

For: SPINAL IMPLANT SURFACE
CONFIGURATION

(Art Unit: 3738)

(Examiner: B. Snow)



CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL
"Express Mail" Mailing Label No. EL849519495US
Date of Deposit: August 3, 2001

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I hereby certify that

- ☒ 1.53(b) Divisional Application transmittal form (in duplicate)
- ☒ Copy of prior application as filed including executed Combined Declaration and Power of Attorney and drawings
- ☒ Information Disclosure Statment with Form PTO 1449
- ☒ Check in amount of \$1,628.00 for the filing fee
- ☒ Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

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Assistant Commissioner for Patents
Washington, D.C. 20231.

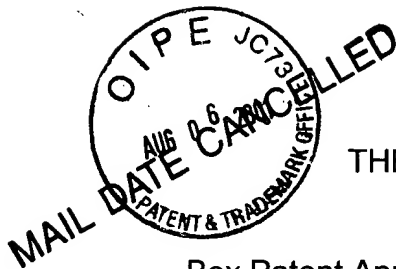
Date: August 3, 2001

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Rebecca K. Kennedy

Name of person mailing papers

Signature



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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Prior Application: Art Unit: 3738
Examiner: B. Snow

SIR: This is a request for filing a

☐ Continuation ☐ Continuation-in-Part ☒ Divisional Application under 37 C.F.R.
§ 1.53(b) of pending prior application Serial No. 09/457,228 filed December 8, 1999
of Gary K. Michelson, M.D. for SPINAL IMPLANT SURFACE CONFIGURATION

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/457,228 as originally filed on December 8, 1999.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☒ Cancel Claims 57-130 and 146-202.
4. ☐ A Preliminary Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

Basic Application Filing Fee					\$710	\$ 710.00
	Number of Claims		Basic	Extra Claims		
Total Claims	71	-	20	51	x \$18	918.00
Independent Claims	2	-	3	0	x \$80	0.00
[] Presentation of Multiple Dep. Claim(s)					+\$270	0
Subtotal						\$ 1,628.00
Reduction by 1/2 if small entity						- 0
TOTAL APPLICATION FILING FEE						\$ 1,628.00

6. ☒ A check in the amount of \$1,628.00 to cover the filing fee is enclosed.
7. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 50-1066.
8. ☒ Amend the specification by inserting before the first line, the sentence:
 --This is a ☐ continuation ☒ divisional of application Serial No. 09/457,228, filed December 8, 1999.--
9. ☐ New formal drawings are enclosed.
10. ☐ The prior application is assigned of record to: _____
11. ☐ Priority of application Serial No. _____, filed on _____ in _____ (country) is claimed under 35 U.S.C. § 119. A certified copy
☐ is enclosed or ☐ is on file in the prior application.
12. ☐ A verified statement claiming small entity status
☐ is enclosed or ☐ is on file in the prior application.
13. ☒ The power of attorney in the prior application is to at least one of the following: MARTIN & FERRARO, LLP; Thomas H. Martin, Reg. No. 34,383; Amedeo F. Ferraro, Reg. No. 37,129; and Todd M. Martin, Reg. No. 42,844.
14. ☒ The power appears in the original declaration of the prior application.
15. ☐ A new Revocation of Original Power of Attorney and Grant of New Power of Attorney is enclosed.
16. ☒ Please address all correspondence to:
 Customer No. 22882
 MARTIN & FERRARO, LLP
 14500 Avion Parkway, Suite 300
 Chantilly, Virginia 20151-1101
17. ☐ Recognize as associate attorney _____
 (name, address & Reg. No.)



22882

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FOE080" 44-03030

18. ■ Also enclosed is Information Disclosure Statement Under 37 C.F.R. § 1.97(b) with Form PTO-1449

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 09/457,228, filed December 8, 1999, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No.50-1066. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: August 3, 2001

By:

Amedeo F. Ferraro
Registration No. 37,129
Attorneys for Applicant(s)

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REF ID: A64426